

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

IN THE MATTER OF REQUESTS FOR PREPAYMENT)
OR REIMBURSEMENT OF EXPENSES – COUNSEL)
APPEARING PURSUANT TO S.D. INDIANA)
LOCAL RULE 87 – RECRUITMENT OF COUNSEL)

GENERAL ORDER

The United States District Court for the Southern District of Indiana adopts the following plan governing requests for prepayment or reimbursement of expenses incurred by counsel recruited to represent indigent civil litigants pursuant to Local Rule 87. An attorney acting as recruited counsel – whether as a member of the Voluntary or Obligatory Panel - may petition the court for prepayment for, or reimbursement of, certain out-of-pocket expenses from the court’s Non-Appropriated Fund (the “Library Fund”). Such payments shall be governed by the provisions of this General Order and consistent with the provisions of the Plan for the Administration of the District Court Library Fund.

(a) Timeframe for Filing Prepayment or Reimbursement Requests. Requests for prepayment or reimbursement may be made at any time during the pendency of the proceedings. Reimbursement requests must be made no later than 14 days following the entry of final judgment in the case or the entry of an order permitting counsel to withdraw, whichever occurs first. The assigned judge may, for good cause shown, extend the time for filing a reimbursement request.

(b) Approval Required. All requests for prepayment or reimbursement of expenses from the court’s Library Fund must be filed with and approved by the assigned judge.

(c) Request Process.

Utilization of the following procedures for requesting prepayment, reimbursement, and authorization to incur expenses is required.

(1) Submitting a Request. A prepayment or reimbursement request shall be submitted on the “Request for Prepayment or Reimbursement of Expenses” form and be accompanied by a Form W-9 (Request for Taxpayer Identification Number and Certification), both of which are available on the court’s website or upon request from the clerk of court. A request for reimbursement or prepayment must be accompanied by sufficient documentation to permit the court to determine that the request is appropriate and reasonable. If the request is for reimbursement, there must be sufficient documentation to determine the amount requested has been paid.

(2) Pre-Authorization to Incur Expenses not Listed in this Order. Any request for authority to incur an expense not listed in subsection (d) must be made by motion before the expense is incurred. The motion shall briefly set forth the nature of the request, the reason for the request, and the estimated amount of the expense.

(3) Approval of Expenses. The court will reimburse recruited counsel up to \$1,000 for itemized expenses listed in subsection (d). If anticipated expenses will exceed \$1,000, recruited counsel must file a motion requesting expenses in excess of \$1,000 before the expenses are incurred. The motion shall briefly set forth the nature of the request, the reason for the request, and the estimated amount of the expense. This preapproval is required, in part, to allow the court time to determine if available funding is sufficient to cover a proposed expense. Approval to incur reimbursable expenses exceeding \$1,000 will be granted only if the assigned judge finds that such expenses are necessary to the fair resolution of the action.

(d) Expenses and Costs Allowed. The expenses listed below are generally appropriate for reimbursement or prepayment without prior authorization from the court; if, however, total expenses for an individual case will exceed \$1,000, approval must be granted in advance, consistent with section (c)(3). No payment shall be made absent a court order.

(1) Deposition and Transcript Costs. The costs of depositions and/or transcripts shall not exceed the regular copy rate as established by the Judicial Conference of the United States and in effect at the time any transcript or deposition was filed, unless some other rate was previously provided for by order of the court. The parties are encouraged to utilize the least expensive method of obtaining sworn testimony as authorized by Federal Rule of Civil Procedure 30(b)(3).

(2) Travel Expenses. Travel by privately owned automobile may be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, tolls, and similar expenses. Actual expenses are eligible for reimbursement, but under no circumstances will the government per diem be allowed. Actual expenses reasonably incurred shall be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations. Transportation other than by privately owned automobile may be claimed on an actual expense basis, subject to prior approval of the court.

(3) Service of Papers; Witness Fees. Those fees for service of papers and the appearance of witnesses that are not otherwise avoided, waived, or recoverable may be reimbursed.

(4) Interpreter Services. Costs of interpreter services not otherwise avoided, waived, or recoverable may be reimbursed. If interpreter services are deemed necessary, counsel must contact the court's interpreter coordinator prior to making any interpreter arrangements.

(5) Costs of Photocopies, Photographs, Telephone Toll Calls, Telegrams, Faxes. Actual out-of-pocket expenses incurred for items such as photocopying services, photographs, telephone toll calls, telegrams, and faxes necessary for the preparation of a case may be reimbursed.

(e) Criminal Justice Act Limits to Apply in Absence of Specific Limits. Except as specified by court order, the amounts and types of expenses covered by this order shall be governed by the guidelines for administering the Criminal Justice Act, 18 U.S.C. § 3006A.

(f) Restrictions on Prepayments or Reimbursements.

(1) General office expenses, including personnel costs, rent, telephone services, secretarial help, and office photocopying equipment, are not reimbursable.

(2) Under no circumstances shall any payments be authorized to pay for costs or fees taxed as part of a judgment obtained by an adverse party against the litigant for whom counsel was recruited pursuant to Local Rule 87.

(3) Absent exceptional circumstances, wherever taxation of costs is permitted, the appointed attorney should apply for such costs and pursue collection of the same. The court may disallow reimbursement of expenses if it is determined that appointed counsel

did not pursue reasonable courses for recovery of expenses, including seeking statutorily permitted costs and fees, prior to application for reimbursement from the court's Library Fund.

(4) The assigned judge may refuse to permit prepayment or may disallow reimbursement of any expense based upon the absence of documentation, a determination that such expense was not appropriate or reasonable, or that an expense for which reimbursement is requested was not actually incurred.

(g) Amounts Paid from Library Fund to be Reimbursed from any Fee Award.

When a fee and costs award is made by a judge to recruited counsel, the attorney awarded fees and costs shall, within 30 days of receipt of monies awarded, repay the Library Fund any amounts previously paid to him or her under this Order.

(h) If at any time it appears that the indigent litigant is able to afford private counsel, the attorney and the litigant may agree upon a fee arrangement for continued representation. The litigant, through counsel, is required to notify the assigned judge of any change in his or her financial condition that may affect his or her ability to afford private counsel.

All of which is done at Indianapolis, Indiana, this 14th day of July 2016.

For the Court,



RICHARD L. YOUNG, Chief Judge
United States District Court